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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 23, 2001

Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

ORIGINAL

Re: *Ex Parte*
CC Docket No. 96-98

Dear Ms. Salas:

Pursuant to Sections 1.1206(a) and (b) of the Commission's rules this will provide notice that on February 22, 2001 Julia Strow, Vice President, Regulatory & Industry Relations, Cbeyond Communications and the undersigned met with Dorothy Atwood, Glen Reynolds, Jared Carlson, Michelle Carey, and Jon Reel of the Common Carrier Bureau concerning unbundled local switching issues under consideration in the above-captioned proceeding. Cbeyond presented the views set forth in the attached documents, which were provided at the meeting. In addition to these views, Cbeyond stated that the ITU's recent agreement on standards for SHDSL will permit Cbeyond to serve customers that currently subscribe to only one line.

Sincerely,

Patrick J. Donovan
Counsel for Cbeyond Communications

cc: Dorothy Atwood
Glen Reynolds
Jared Carlson
Michelle Carey
Jon Reel

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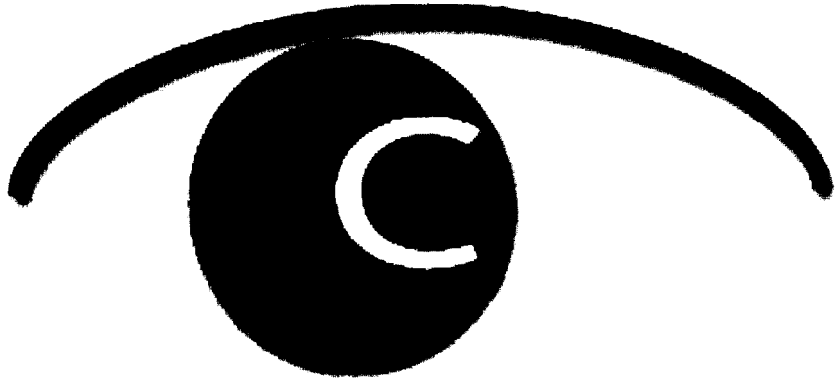

CBEYOND COMMUNICATIONS

Julia O. Strow
Vice President - Regulatory
CC Docket No. 96-98
February 22, 2001

Company Overview

Cbeyond Communications is a Broadband Applications Service Provider (BASP)

Initial service offering is local and long distance voice and Internet-based applications - - Cbeyond will provide "big business tools" to small business customers

Cbeyond is a facilities-based service provider with "smartest" build network deployment strategy - - will utilize unbundled loops and collocations in addition to a complementary EEL strategy

Cbeyond will begin offering service in March, 2001 to customers in Atlanta - - orders for new EEL combinations and collocation space in progress

Cbeyond's target customer is 5 to 25 lines

Cbeyond Local Switching Position

The pro-competitive policies of the FCC have served to foster facilities-based innovation - - innovation that has continued to place pressure on competitors to serve customers with lower line counts in a cost effective manner

Cbeyond is entering the market to serve customers with 5 to 25 lines - - Cbeyond's base package is a five line package

Cbeyond exemplifies that the Commission's policies have worked to drive the number of lines that can be served by CLECs lower and lower - - two years ago CLECs could not cost effectively serve customers below 15 lines

Raising the number of lines would not provide the proper incentives for local competition as facilities-based CLECs would be discouraged from investing in more efficient networks if UNE-P could be used to serve small business customers with greater than four lines

Cbeyond Local Switch Position

Cbeyond supports the recent proposal of Allegiance Telecom on this issue

A residential/business split is justified as there is no impairment to serving even the smallest of business customers

Any MSA that meets the switching test proposed by Allegiance should be given the local switching carve out option

If the collocation standard proposed by Allegiance is adopted, Cbeyond supports grandfathering those MSAs where incumbent LECs have elected the switching carve out under the existing rules

Cbeyond Position on EELs

THE VOLUNTARY EEL CONDITION SHOULD BE MAINTAINED

EELs promote facilities-based competition by expanding the market reach of a facilities-based CLEC

Greater market reach allows CLECs to serve customers that would not otherwise be served

New EELs remove the operational and financial barriers to entry that are created by the conversion of special access to EELs - - more importantly new EELs prevent the potential for customer service disruption that may occur during the conversion process

Because the EEL is a voluntary condition, there is no conflict with current law

Premature to conclude that special access conversions are a sufficient substitute for the voluntary EEL condition.

Conclusion

The Commission should expand the switching carve-out rule to include any MSA that meets the 4 switch test proposed by Allegiance Telecom

The Commission should not raise the four line threshold given the evidence that facilities based competitors are serving customers with as few as five lines

The Commission should maintain the voluntary EEL condition

If the voluntary EEL provision is not maintained, ILEC non-compliance with the FCC's rules on special access conversions to EELs must be dealt with expeditiously to insure that conversions are a realistic and viable alternative

International Telecommunication Union

United Nations specialized agency for telecommunications

PRESS Release

This press release is published in French, English and Spanish. For further information, or for additional copies in one of the languages, please contact the Press Office, International Telecommunication Union.

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(For information media, not an official record)

9 February 2001
Original: English

ITU reaches agreement on new global standard that will increase Internet Access Speed

Geneva - The International Telecommunication Union today reached agreement on a new global standard for Single pair High bit-rate Digital Subscriber Line (SHDSL) transceivers, which will allow network operators to economically and efficiently offer leased-line services to business customers using existing copper loops. SHDSL enables data, voice and video to be transmitted over distances never before attainable by other flavours of symmetric DSL technology.

The approved standard, designated ITU-T Recommendation G.991.2, is effective immediately.

"This latest Digital Subscriber Line (DSL) standard complements ITU-T's series of ADSL (asymmetric DSL) standards in that it provides symmetrical high bit rate network access, and thus is particularly attractive to business customers fulfilling their needs to upload and exchange large amounts of data", said Peter Wery, chairman of ITU-T Study Group 15.

SHDSL enables operators to provide symmetric, high-speed data transmission over the existing copper pairs without requiring the installation of additional cable. It is a multi-rate DSL technology that allows data rates from 192 kbit/s to 2 312 kbit/s and can transport T1 (1 544 kbit/s), E1 (2 048 kbit/s), ISDN, ATM and IP signals. The framing to support these various types of signals is negotiated at start-up using the 'handshaking' protocol defined in ITU-T Recommendation G.994.1.

This new standard has strong commonality with regional standards and has been designed to prevent interference to other DSL systems operating in the same cable.

A number of enhanced ADSL Recommendations on high-speed network access were also approved, covering:

- Method for DSL systems to negotiate mutually supported operating modes (G.994.1)
- Reference architecture for ADSL systems (G.995.1)

- Test methods for ADSL systems (G.996.1)
- Management of ADSL systems (G.997.1)

ITU also approved today the first of a set of standards for Home Phone-line Networking transceivers, ITU-T Recommendation G.989.1. This will allow home-networking devices (e.g. computer peripherals) to operate over existing telephone wiring.

Regarding the future evolution of the family of ITU-T DSL (Digital Subscriber Line) Recommendations, work is well underway on potential enhancements, including topics such as even higher bit rates and support of combined voice and data access, for both, symmetrical and asymmetrical operation.

For further information please contact:

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